

115TH CONGRESS  
1ST SESSION

# H. R. 1477

To prohibit the use of Federal funds to build a wall along the southern border, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2017

Ms. MOORE (for herself, Mr. McGOVERN, Ms. JACKSON LEE, Mr. JEFFRIES, Mr. SOTO, Ms. MCCOLLUM, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POCAN, Mr. FOSTER, Ms. CLARK of Massachusetts, Mr. VELA, Mrs. TORRES, Mr. HASTINGS, Mr. RUSH, Ms. CLARKE of New York, Mr. POLIS, Mr. GUTIÉRREZ, Mr. RASKIN, Ms. SÁNCHEZ, Ms. BROWNLEY of California, Ms. LEE, Ms. WILSON of Florida, Mr. TAKANO, Ms. BASS, Ms. WASSERMAN SCHULTZ, Mr. CLEAVER, Ms. SPEIER, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit the use of Federal funds to build a wall along the southern border, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “No Taxpayer Funding  
5       for the Wall Act”.

1   **SEC. 2. FINDINGS.**

2       Congress finds the following:

3               (1) The construction of a wall along the south-  
4           ern border is estimated to cost tens of billions of  
5           taxpayer dollars.

6               (2) On June 16, 2015, in New York, NY, while  
7           announcing his candidacy for President of the  
8           United States, Mr. Donald Trump stated “I would  
9           build a great wall, and nobody builds walls better  
10          than me, believe me, and I’ll build them very inex-  
11          pensively. I will build a great, great wall on our  
12          southern border. And I will have Mexico pay for that  
13          wall. Mark my words.”.

14               (3) On July 31, 2015 in Turnberry, Scotland,  
15          during an interview on CNN, Mr. Donald Trump  
16          stated “I will build the wall and Mexico’s going to  
17          pay for it and they will be happy to pay for it. Be-  
18          cause Mexico is making so much money from the  
19          United States that that’s going to be peanuts and all  
20          these other characters say, ‘Oh, they won’t pay, they  
21          won’t pay.’ They don’t know the first thing about  
22          how to negotiate. Trust me, Mexico will pay for it.”.

23               (4) On February 25, 2016, in Houston, TX,  
24          during a Republican Presidential Debate, Mr. Don-  
25          ald Trump stated, “We have a trade deficit with  
26          Mexico of \$58 billion dollars a year, and that doesn’t

1 include all the drugs that are pouring across and de-  
2 stroying our country. We're going to make them pay  
3 for that wall.”.

4 (5) On August 23, 2015, during an interview  
5 on Justice with Judge Jeanine, Mr. Donald Trump  
6 stated, “We’re going to build a wall. It’s going to be  
7 a great wall. Mexico is going to pay for it.”.

8 (6) On August 31, 2016, in Phoenix, AZ, dur-  
9 ing a rally, Mr. Donald Trump stated, “We will  
10 build a great wall along the southern border and  
11 Mexico will pay for the wall. One hundred percent.  
12 They don’t know it yet, but they’re going to pay for  
13 the wall.”.

14 (7) On January 10, 2017, General John Kelly,  
15 President-elect Trump’s nominee for Secretary of  
16 Homeland Security, stated during his Senate con-  
17 confirmation hearing, “A physical barrier in and of  
18 itself—certainly as a military person that under-  
19 stands defense and defenses—a physical barrier in  
20 and of itself will not do the job, it has to be really  
21 a layered defense.”.

22 **SEC. 3. PROHIBITION ON USE OF CERTAIN FEDERAL**  
23 **FUNDS.**

24 (a) IN GENERAL.—

1                             (1) FEDERAL PROHIBITION.—Notwithstanding  
2                             any other provision of law, no Federal department  
3                             or agency, including the Department of Homeland  
4                             Security, may obligate or expend any Federal funds  
5                             (including any funds previously appropriated for  
6                             such purpose or any fee revenue generated by the  
7                             Department of Homeland Security or any other Fed-  
8                             eral department or agency) to carry out section 102  
9                             of the Illegal Immigration Reform and Immigrant  
10                             Responsibility Act of 1996 (8 U.S.C. 1103 note) or  
11                             any other related provision of law, or to otherwise  
12                             build a border fence, related physical barriers or in-  
13                             frastructure, or wall along the southern border of  
14                             the United States, including to carry out any activi-  
15                             ties related to such construction.

16                             (2) STATE PROHIBITION.—Notwithstanding any  
17                             other provision of law, a State that has received or  
18                             receives any Federal funding in the form of a grant  
19                             from the Department of Homeland Security or any  
20                             other Federal department or agency may not use  
21                             such funding to carry out section 102 of the Illegal  
22                             Immigration Reform and Immigrant Responsibility  
23                             Act of 1996 (8 U.S.C. 1103 note) or any other re-  
24                             lated provision of law, or to otherwise build a border  
25                             fence, related physical barriers or infrastructure, or

1 wall along the southern border of the United States,  
2 including to carry out any activities related to such  
3 construction.

4 (3) FOREIGN PAYMENT REQUIRED.—The Presi-  
5 dent is authorized to enter into a binding, written,  
6 and enforceable treaty, approved by the Senate, with  
7 a foreign country to pay for the costs associated  
8 with carrying out section 102 of the Illegal Immigra-  
9 tion Reform and Immigrant Responsibility Act of  
10 1996 (8 U.S.C. 1103 note) or any other related pro-  
11 vision of law, or otherwise building a border fence,  
12 related physical barriers or infrastructure, or wall  
13 along the southern border of the United States, in-  
14 cluding carrying out any activities related to such  
15 construction.

16 (b) AUDIT AND PENALTY.—

17 (1) AUDIT.—Not later than 180 days after the  
18 end of each fiscal year, the Comptroller General of  
19 the United States shall conduct an audit of each  
20 Federal department and agency under subsection  
21 (a)(1) and each State that has received or is receiv-  
22 ing any Federal funding under subsection (a)(2) to  
23 assess compliance with the prohibition under such  
24 subsections for such preceding fiscal year.

1                         (2) PENALTY.—If the Comptroller General of  
2                         the United States is unable to confirm the compli-  
3                         ance with the prohibitions under subsection (a) by a  
4                         Federal department or agency or by a State pursu-  
5                         ant to an audit conducted under paragraph (1), not-  
6                         withstanding any other provision of law—

7                             (A) in the case of Federal department or  
8                         agency, the Office of Management and Budget  
9                         may not obligate or expend more than 25 per-  
10                         cent of funds authorized to be appropriated for  
11                         such Office for the fiscal year during which  
12                         such audit is conducted, until such time as the  
13                         Comptroller General is able to confirm such  
14                         compliance; and

15                             (B) in the case of a State, the heads of ap-  
16                         propriate Federal departments and agencies  
17                         shall take such steps as may be necessary to re-  
18                         duce the amount of Federal funds that are  
19                         made available to such State and to require  
20                         such State to repay such amounts previously  
21                         made available, as appropriate, until such time  
22                         as the Comptroller General is able to confirm  
23                         such compliance.

24                             (c) SENSE OF CONGRESS.—It is the sense of Con-  
25                         gress that the funding prohibition under this section

1 should not interfere with the responsibility of the Sec-  
2 retary of Homeland Security to take actions as may be  
3 required to secure the southern border of the United  
4 States.

5 **SEC. 4. OVERSIGHT.**

6       The Inspector General of the Federal department or  
7 agency responsible for carrying out the treaty referred to  
8 in section 3(a)(3) shall oversee the use of funds received  
9 and expended pursuant to such treaty to carry out the  
10 Secure Fence Act of 2006, section 102 of the Illegal Immi-  
11 gration Reform and Immigrant Responsibility Act of 1996  
12 (8 U.S.C. 1103 note), or any other related provision of  
13 law, or to otherwise build a border fence, related physical  
14 barriers or infrastructure, or wall along the southern bor-  
15 der of the United States, including to carry out any activi-  
16 ties related to such construction. Such oversight shall in-  
17 clude oversight regarding the use of high risk contractor  
18 practices, including limited or sole source contracting, any  
19 cost overruns, significant delays in contract execution, and  
20 departmental contract management and oversight of such  
21 funds.

22 **SEC. 5. BUDGETARY IMPACT.**

23       (a) IN GENERAL.—The Director of the Office of  
24 Management and Budget shall include a statement of  
25 budgetary impact, including costs, benefits, and revenues,

1 as a result of and related to any executive order or presi-  
2 dental memorandum issued relating to border security  
3 during the period of fiscal year 2017 through fiscal year  
4 2021.

5 (b) CONTENTS.—Any statement under subsection (a)  
6 shall include—

7 (1) a narrative summary of the budgetary im-  
8 pact of such order or memorandum on the Federal  
9 Government;

10 (2) the impact on mandatory and discretionary  
11 obligations and outlays as the result of such order  
12 or memorandum, listed by Federal department and  
13 agency, for each year in the 5-fiscal-year period be-  
14 beginning in fiscal year 2017; and

15 (3) the impact on revenues of the Federal Gov-  
16 ernment as the result of such order or memorandum  
17 over the 5-fiscal-year period beginning in fiscal year  
18 2017.

19 **SEC. 6. WEBSITE.**

20 The Director of the Office of Management and Budg-  
21 et shall establish a publicly available website to track and  
22 display funds received from other non-Federal sources, in-  
23 cluding foreign governments, to carry out the Secure  
24 Fence Act of 2006, section 102 of the Illegal Immigration  
25 Reform and Immigrant Responsibility Act of 1996 (8

1 U.S.C. 1103 note), or any other related provision of law,  
2 or to otherwise build a border fence, related physical bar-  
3 riers or infrastructure, or wall along the southern border,  
4 including to carry out any activities related to such con-  
5 struction. Such website shall be updated at least monthly  
6 to accurately reflect data on funds received by source and  
7 by date and on the obligation and expenditure of such  
8 funds.

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